

ZB# 95-16

Randy Davidson

25-1-7

Parkin.

Apr. 24, 1995.

Need copies:

- ① Seed ✓
- ② Title Report
- ③ Photos ✓
- ④ Fees ① 50.00 ✓
- ⑤ 300.00 ✓

Notice to Sentinel 4/25/95.

Public Hearing:

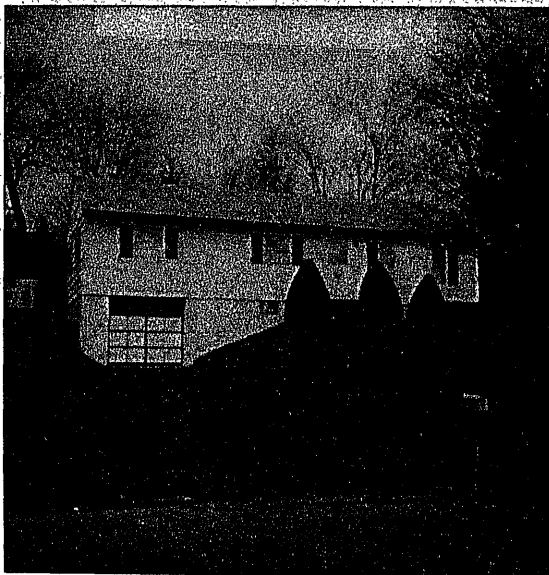
May 8, 1995.

Guarantee

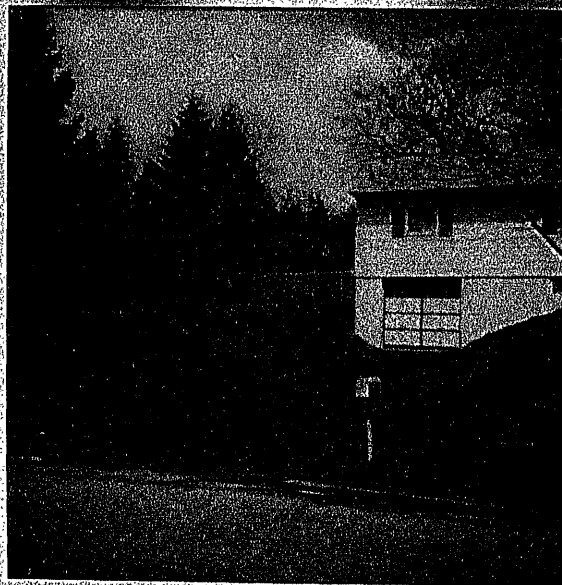
Approved

Refund due: \$194.00

#95-16 - Davidson, Randy 25-1-7
area.



#95.16



#95-16

TOWN OF NEW WINDSOR		GENERAL RECEIPT		14554
555 Union Avenue				
New Windsor, NY 12550				
Received of	<u>Randy Davidson</u>	<u>April 25</u>	<u>19 95</u>	
		\$ <u>50.00</u>		
	<u>Fifty and</u>	<u>00</u>		
				DOLLARS
For	<u>3BA App Fee</u>	<u>95-16</u>	<u>100</u>	
DISTRIBUTION:				
FUND	CODE	AMOUNT		
<u>CP# 3826</u>		<u>50.00</u>		
			By <u>Dorothy Hansen</u>	
			<u>er</u>	
			<u>Town Clerk</u>	
			Title	

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Davidson, Randy

FILE # 95-16

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid #3826
* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 paid #3827
4/25/95

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	4/24/95 - 4 pages	\$	<u>18.00</u>
2ND PRELIM. MEETING - PER PAGE	5/8/95 - 4 pages	\$	<u>18.00</u>
3RD PRELIM. MEETING - PER PAGE		\$	
PUBLIC HEARING - PER PAGE		\$	
PUBLIC HEARING (CONT'D) PER PAGE		\$	
TOTAL		\$	<u>36.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	4/24/95	\$	<u>35.00</u>
2ND PRELIM.	HRS.	5/8/95	\$	<u>35.00</u>
3RD PRELIM.	HRS.		\$	
PUBLIC HEARING	HRS.		\$	
PUBLIC HEARING	HRS.	(CONT'D)	\$	
TOTAL HRS.		@ \$	PER HR.	\$
			TOTAL	\$ <u>70.00</u>

MISC. CHARGES:

TOTAL \$ 106.00

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ -
REFUND TO APPLICANT DUE . \$ 194.00

Refund

(ZBA DISK#7-012192.FEE)



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



April 25, 1995

Mr. Randy Davidson
62 Birchwood Drive
New Windsor, N.Y. 12553

Re: Tax Map Parcel #25-01-07

Dear Sir:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's office.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: Patricia A. Barnhart

Cosgrove, Ann L. X
70 Birchwood Drive
New Windsor, N. Y. 12553

Ellick, Irwin & Jason & Charles J.
68 Birchwood Drive X
New Windsor, N. Y. 12553

Corcoran, Kenneth I. & Cecilia
66 Birchwood Drive X
New Windsor, N. Y. 12553

Bartel, Albin J. & Rose M.
64 Birchwood Drive X
New Windsor, N. Y. 12553

VanVoorhis, Robert J.
60 Birchwood Drive X
New Windsor, N. Y. 12553

Grammer, Mark R.
58 Birchwood Drive X
New Windsor, N. Y. 12553

Carfizzi, Santa
56 Birchwood Drive X
New Windsor, N. Y. 12553

Spreer, Robert J. & Eleanor
54 Birchwood Drive X
New Windsor, N. Y. 12553

Souppa, Joan
52 Birchwood Drive X
New Windsor, N. Y. 12553

Groff, Gordon B. & Eleanor S.
75 Birchwood Drive X
New Windsor, N. Y. 12553

Metzger, Edwin J. & Kathleen A.
81 Hudson Drive X
New Windsor, N. Y. 12553

Kaartine, Andrew W.
79 Hudson Drive X
New Windsor, N. Y. 12553

Powles, Harold J. & Rita A.
77 Hudson Drive X
New Windsor, N. Y. 12553

Dario, Anthony & Kathryn Anne
75 Hudson Drive X
New Windsor, N. Y. 12553

Sciamanna, Dino J. & Eleanor
73 Hudson Drive X

New Windsor, N. Y. 12553

Courtney, George T. X
71 Hudson Drive
New Windsor, N. Y. 12553

Panzetta, John J. & Marjorie E. X
69 Hudson Drive
New Windsor, N. Y. 12553

Nott, Bruce W. & Marie A. X
67 Hudson Drive
New Windsor, N. Y. 12553

Hughes, Joseph T., Jr. & Catherine X
65 Hudson Drive
New Windsor, N. Y. 12553

Annan, Theodore & Kathryn E. X
63 Hudson Drive
New Windsor, N. Y. 12553

Griffen, Robert Joseph & Carol X
% Margaretten & Co.
One Ronson Road
Iselin, N. J. 08830

Blair, Thomasina A. X
59 Hudson Drive
New Windsor, N. Y. 12553

Rappa, Peter V. & Adrianna A. X
53 Birchwood Drive
New Windsor, N. Y. 12553

Basile, Robert A. & Helen X
55 Birchwood Drive
New Windsor, N. Y. 12553

Sgueglia, Delores X
57 Birchwood Drive
New Windsor, N. Y. 12553

Hedlund, Melvin E. & Rose Marie X
59 Birchwood Drive
New Windsor, N. Y. 12553

George J. Smith Trust X
% John A. & Robert R. Smith, Trustees
10 Parade Place
New Windsor, N. Y. 12553

Smith, Wayne C. & Joan M. X
63 Birchwood Drive
New Windsor, N. Y. 12553

Miller, Kenneth J. & Helen K. X
65 Birchwood Drive

New Windsor, N. Y. 12553

Hartmann, Ingrid X
67 Birchwood Drive
New Windsor, N. Y. 12553

Garofal, John B. & Kathleen X
69 Birchwood Drive
New Windsor, N. Y. 12553

Solfaro, Anthony V. & Judith X
71 Birchwood Drive
New Windsor, N. Y. 12553

Soricelli, John G. & Carol S.
73 Birchwood Drive X
New Windsor, N. Y. 12553

Quicksell, James & Barbara J. X
78 Hudson Drive
New Windsor, N. Y. 12553

DiGiovanni, Thomas & Regina X
76 Hudson Drive
New Windsor, N. Y. 12553

Heft, Lincoln R. & Dolores P.
74 Hudson Drive X
New Windsor, N. Y. 12553

Scott, William H. & Ruth D. X
72 Hudson Drive
New Windsor, N. Y. 12553

Ferreira, Fernando & Maria A.
70 Hudson Drive X
New Windsor, N. Y. 12553

Gaetano, George L. & Muriel C. X
68 Hudson Drive
New Windsor, N. Y. 12553

Smith, James R.
Wilcox, Mary M. X
66 Hudson Drive
New Windsor, N. Y. 12553

Bousche', Estelle M. & Jeffrey K. X
64 Hudson Drive
New Windsor, N. Y. 12553

Cook, William R. X
62 Hudson Drive
New Windsor, N. Y. 12553

Bracco, Ralph J. & Linda X
102 Glendale Drive
New Windsor, N. Y. 12553

County of Orange
255-275 Main Street
Goshen, N. Y. 10924

Drennen, Mary Ann & John T., Jr.
104 Glendale Drive
New Windsor, N. Y. 12553

Paul, Henry & Anna
106 Glendale Drive
New Windsor, N. Y. 12553

Ruta, Damon W. & Filja P.
108 Glendale Drive
New Windsor, N. Y. 12553

Walborn, David P. & Jeanne M.
110 Glendale Drive
New Windsor, N. Y. 12553

Kochan, John T.
Makar, Maryann
112 Glendale Drive
New Windsor, N. Y. 12553

Chapman, David & Phyllis
114 Glendale Drive
New Windsor, N. Y. 12553

Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12553

Sweitzer, Keith L.
155 Erie Avenue
New Windsor, N. Y. 12553

Durso, Frank & Maria
Ciccarelli, Thomas R. & Adeline A.
101 Glendale Drive
New Windsor, N. Y. 12553

Hamlet, James T.
Dawson, Denise
202 Cambridge Court
New Windsor, N. Y. 12553

Forzano, Michael L. & Laura
204 Cambridge Court
New Windsor, N. Y. 12553

Flamholtz, H. Michael & Karen
206 Cambridge Court
New Windsor, N. Y. 12553

Clayton, Robert E. & Mary Ann
205 Cambridge Court
New Windsor, N. Y. 12553

Pisani, Joseph & Leona
203 Cambridge Court
New Windsor, N. Y. 12553 X

Ullman, Stuart & Gladys
201 Cambridge Court
New Windsor, N. Y. 12553 X

Pfeifer, Valentine & Alenka
P. O. Box 4073
New Windsor, N. Y. 12553 X

Brown, Howard, C., Sr. & Jill
302 Cloverdale Court
New Windsor, N. Y. 12553 X

Slepoy, Alan & Rene
304 Cloverdale Court
New Windsor, N. Y. 12553 X

Jeffery, I.
Epstein, Gail F.
306 Cloverdale Court
New Windsor, N. Y. 12553 X

Rivera, Luis W. & Catherine M.
307 Cloverdale Court
New Windsor, N. Y. 12553 X

Nolan, Robert E. & Carole T.
305 Cloverdale Court
New Windsor, N. Y. 12553 X

McKinney, John
McCallum, Maureen
303 Cloverdale Court
New Windsor, N. Y. 12553 X

Melville, Richard J. & Grace
301 Cloverdale Court
New Windsor, N. Y. 12553 X

Ahmed, Mahmood & Meher
113 Glendale Drive
New Windsor, N. Y. 12553 X

Redder, Edward L. & Lynn R.
115 Glendale Drive
New Windsor, N. Y. 12553 X

Sobel, Howard & Rochelle
402 Carlton Circle
New Windsor, N. Y. 12553 X

Silver, Robert & Ronnie
404 Carlton Circle
New Windsor, N. Y. 12553 X

Coopersmith, Gary & Karen X
406 Carlton Circle
New Windsor, N. Y. 12553

Carpanini, Alan A. & Eleanor F.
72 Birchwood Drive X
New Windsor, N.Y. 12553

Powles, Harold K. X
80 Hudson Drive
New Windsor, N. Y. 12553

Leombruno, Bruno A. & Donna M. X
116 Glendale Drive
New Windsor, N. Y. 12553

Puccio, Frank & Diana X
118 Glendale Drive
New Windsor, N. Y. 12553

Bilyou, Gilbert A. X
241 Union Avenue
New Windsor, N. Y. 12553

Foxwood Associates
% Fred Warmers X
17 Ten Broeck Lane
Newburgh, N. Y. 12550

-----X
In the Matter of the Application of

RANDY DAVIDSON,

DECISION GRANTING
AREA VARIANCE#95-16.

-----X

WHEREAS, RANDY DAVIDSON, 61 Birchwood Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for 10 ft. side yard variance to construct an addition at 62 Birchwood Drive in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of May, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared before the Board for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board. The ZBA did receive a petition apparently signed by five (5) neighbors in favor of the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property consists of a one-family home located in a neighborhood of one-family homes.

(b) The variance has been applied for in order to permit the construction of an addition to the house which will be constructed in such a way as to make it appear that it was part of the original structure so that it will continue all lines across the structure.

(c) The addition proposed would create an appearance similar to that of other houses in the neighborhood.

(d) If the proposed addition is put on the other side of the existing house it would look as if it were "stuck on" and would impair the flow of traffic and utility inside the house. Further, if the addition were installed on the other side of the house it would necessitate therefor the installation of a new driveway, thus increasing the ground area covered by asphalt to the detriment to the property and neighborhood.

(e) If the applied for variance were allowed, there would still be some remaining side yard on the side upon which the addition is constructed. The other side yard would remain more than double that which is required by the Town Code.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The variance sought is substantial but nevertheless is warranted because of the unique characteristics of this parcel. The proposed structure is allowed but an area variance is needed to locate the addition in the most appropriate place for this parcel and in this neighborhood.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for reasons set forth in paragraph 3.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

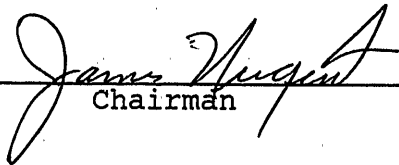
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 10 ft. side yard variance to construct an addition at 62 Birchwood Drive in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 12, 1995.


Chairman

(ZBA DISK#13-060695.RD)

Date 5/15/95, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 147 Sycamore Dr
New Windsor Ny 12553 DR.

DATE		CLAIMED	ALLOWED
5/8/95	Zoning Board Mtg	75.00	
	Misc - 1		
	Park Road - 4		
	Cox - 3		
	Davidson - 4 18.00.		
	12 pp	54.00	
		129.00	

May 8, 1995

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DAVIDSON, RANDY

MR. NUGENT: Request for 10 ft. side yard variance to construct addition at 62 Birchwood Drive in an R-4 zone.

Mr. Randy Davidson appeared before the board for this proposal.

MR. DAVIDSON: I am here to ask for a variance ten foot side yard at 62 Birchwood Drive so I can construct 17 by 24 foot addition.

MR. NUGENT: Do you have pictures?

MR. DAVIDSON: She has them all.

MS. BARNHART: I have them.

MR. NUGENT: I want to read into the record, it says re request for variance by Randy Davidson, by signing below, we're stating we have no objections whatsoever to erecting an addition at 62 Birchwood Drive in New Windsor. Should I read every name?

MR. KRIEGER: No, just indicate how many.

MR. NUGENT: Five different names.

MR. KRIEGER: The record should also reflect that there is no one present in the audience who has interest in this matter.

MS. BARNHART: And I sent out on April 27th, 78 notices to adjacent property owners.

MR. KRIEGER: Describe for the board what this addition will look like and if it will be, and how it will be consistent with the buildings in the neighborhood.

MR. DAVIDSON: It will just look like a 17 foot extension and the whole house will be sided after the addition is on so it will look like it was always part of the house, not just something stuck on the house.

MR. KRIEGER: Vinyl sided?

MR. DAVIDSON: Yeah, the house, existing house now is shingles, once the addition is on, we're going to side the whole thing so it looks like it's altogether.

MR. KRIEGER: The addition would carry, just carry across all the lines, the line of the roof?

MR. DAVIDSON: All the lines, yes.

MR. KRIEGER: Are there other houses in the neighborhood that have similar type of vinyl siding, not necessarily colored the same but similar?

MR. DAVIDSON: Yes.

MR. KRIEGER: More than one, a number without specifying how many.

MR. DAVIDSON: Roughly, right within 300 feet, there's probably six.

MR. KRIEGER: Explain for the record why it is necessary to put or you think it is necessary or adviseable to put this addition on this side of the house requiring this variance?

MR. DAVIDSON: On the other side, I have enough room to put it without requesting a variance but it would look horrendous, it would look like somebody stuck something on the side of the house and ruined the neighborhood. I turned in a sketch of how it would look at the addition with the house, it should be in the file.

MR. TORLEY: The addition is going on the garage side?

MR. DAVIDSON: Yes, because there will be two garage doors together and another picture window on the addition.

MR. KRIEGER: Would putting the addition there, would it be more consistent with the existing floor plan of the house, allow easier access and utility of the house to the persons living there?

MR. DAVIDSON: Yes.

MR. BABCOCK: He'd have to put a new driveway in, the garage would be on the wrong side of the house.

MR. DAVIDSON: Yeah, if I went on the other side, I'd have to have another driveway with a little hump of grass between the two driveways.

MR. KRIEGER: You'd need to put more asphalt if it was the other yard?

MR. DAVIDSON: Yes.

MR. KANE: How much of a side yard does it leave him with?

MR. BABCOCK: Five foot.

MR. TORLEY: And sir, the size of the dimensions of the addition again?

MR. DAVIDSON: 24 foot wide which is the width of the existing house and 17 foot longer.

MR. TORLEY: And this remains a single family home?

MR. DAVIDSON: Yes.

MR. KRIEGER: There's no, in the area, no drainage or ground water that you can see that would interfere with this?

MR. DAVIDSON: I don't believe so.

MR. KRIEGER: So you have looked and you don't see any?

MR. DAVIDSON: No.

MR. KRIEGER: Would that be accurate to say?

MR. DAVIDSON: Yes.

MR. KANE: It would pose no health threat to the

May 8, 1995

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neighborhood?

MR. DAVIDSON: No.

MR. NUGENT: Anymore questions? I'll accept a motion. Already been read into the record that there was no one in the audience.

MR. KRIEGER: For the record, opened and closed.

MR. NUGENT: Open and closed.

MR. TORLEY: I move we grant Mr. Davidson his request for a ten foot side yard variance for his addition at 62 Birchwood Drive.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

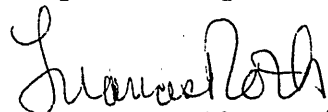
MR. KANE: I move we adjourn.

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

5/15/95

Date 5/12/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 147 Syracuse Dr. DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
4/24/95		Zoning Board Meeting	75 00	
		Misc. - 1		
		Accumanno - 3		
		Cox - 3		
		Davidson - 4 18.00		
		Tierney - 3		
		Meyers - 8		
		Park Road - 10		
		Cicarelli - 10	189 00	
		<u>42pp</u>		
		APPROVED:	264 00	
		Chairman - ZBA		

April 24, 1995

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DAVIDSON, RANDY

MR. NUGENT: Request for 10 ft. side yard variance to construct addition at 62 Birchwood Drive in an R-4 zone.

Mr. Randy Davidson appeared before the board for this request.

MR. NUGENT: All right, Randy, you can go ahead and tell us about you want to do.

MR. DAVIDSON: Well, I'd like to have an addition built on my mother's house at 62 Birchwood Drive and I need a ten foot variance because the addition is 17 feet and I only have 22 feet on that side of the house. To put the addition on the other side where I have room, it would look horrendous, I have some pictures of the house.

MR. NUGENT: That would be good if you showed them to the board.

MR. DAVIDSON: This is what I propose to put on.

MR. NUGENT: The side that you do have the room on is up by the high part?

MR. DAVIDSON: Right. If you put it, this is the addition she wants to put, this is, you'd have two garages with a big hump of grass in the middle.

MR. REIS: You want to put it on the garage side?

MR. NUGENT: If he puts it on the other side, it's up on that hump.

MR. LANGANKE: So, you are going to end up with a five foot side yard then?

MR. DAVIDSON: Yes, fence, we're going to put a fence, the fence is existing now, we're going to want to continue it to the front.

MR. NUGENT: Have you spoke with your neighbors, her

neighbors, excuse me, her neighbors?

MR. DAVIDSON: Yeah, most of them.

MS. BARHNART: He's her neighbor.

MR. DAVIDSON: Most of them, just the one fella that lives directly next door, he's got some problems and he's not, like he wouldn't answer his door, so I haven't really talked to him.

MR. LANGANKE: Now, this addition goes right up to the street or is there a house next door there?

MR. DAVIDSON: There's a property line that is five foot from the property line.

MR. LANGANKE: And so there's property adjacent to where you are going to put your addition?

MR. DAVIDSON: Yes.

MR. LANGANKE: Now, what's on that property and how close?

MR. DAVIDSON: From the edge of the addition to the property line would be five feet and property line to the next building is approximately 25 feet.

MR. LANGANKE: And that is a house?

MR. DAVIDSON: Yes.

MR. BABCOCK: Do you have a tax map? Maybe can answer some of Herb's questions.

MR. LANGANKE: I've got it over here, I'm sorry.

MR. BABCOCK: See, it's right in the middle of the street, just to give you an idea.

MR. NUGENT: What's the lot number?

MR. BABCOCK: It's lot 7.

MR. REIS: Randy, do you live in the house contiguous to the property?

MR. DAVIDSON: I'm across the street.

MR. LANGANKE: So you will be looking at your addition that you are constructing?

MR. DAVIDSON: Yeah.

MR. LANGANKE: So, of course you want it to look nice.

MR. DAVIDSON: I want it to look nice for the rest of the neighborhood. I don't want to make the house look funny.

MR. BABCOCK: You see the intersection of Birchwood and Erie, look at Birchwood and Erie, that is lot 2, 3, 4, 5, 6, 7 right up, that is him.

MR. NUGENT: Do you have any further questions?

MR. LANGANKE: I understand the project. I don't have anymore questions.

MR. REIS: No questions.

MR. REIS: Make a motion that we set up Mr. Davidson for a public hearing.

MR. LANGANKE: I second it.

ROLL CALL

MR. LANGANKE	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: Okay, when you come back, the Zoning Board of Appeals must by law consider certain criteria that are set forth under state law, they are also reproduced on this sheet. If you would address yourself to the criteria listed there when you make the application, it would be easier for the Zoning Board of Appeals to make a decision on your application. Do you

have either or will you have at that time either the deed or title or both?

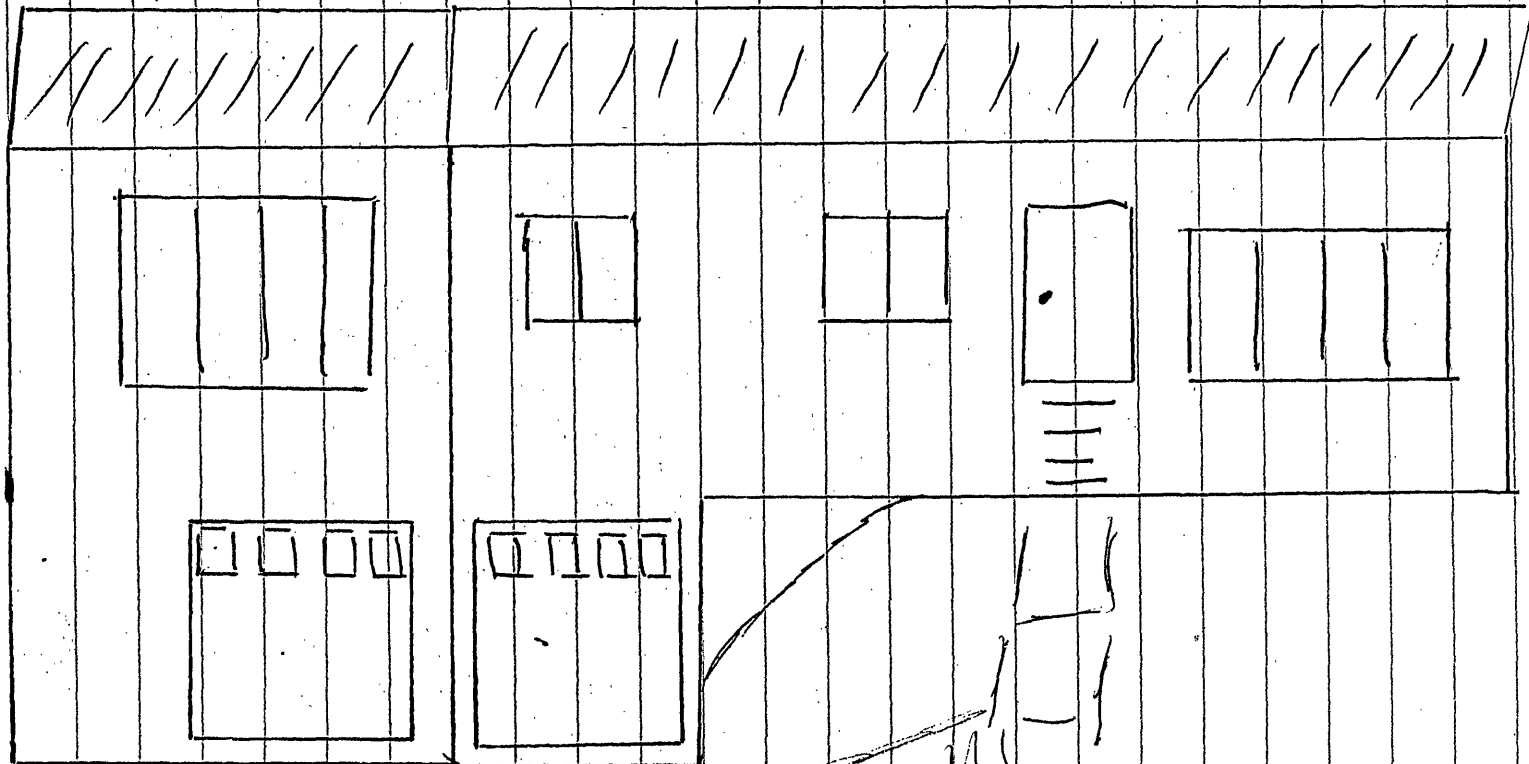
MR. DAVIDSON: Yes.

MR. KRIEGER: If you would bring them with you so that I can look at them, there's no need for me to keep them but I'd like to look at them and in the event that you are successful in the next application, having that set up for a public hearing as well then I'll simply make mention of this because it's the same spiel.

MR. LANGANKE: Randy, if you can bring some neighbors along who would speak in favor of your project, it will help a lot to build a case for you, give us some more to make a decision on.

PROPOSED

EXISTING



DRIVEWAY

DRIVE
WAY

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

Rec'd. ZBA
4/28/95 (PAB)

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 16

Request of

Randy Davidson

for a VARIANCE of the Zoning Local Law to permit:

Construction of addition to residence w/
insufficient side yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk
Regs. Ccl. F.

for property situated as follows:

62 Birchwood Drive, New Windsor, NY

known as tax lot Section 25 Block 1 Lot 7.

SAID HEARING will take place on the 8th day of May,
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

JEANNE DAVIDSON
RANDY DAVIDSON
61 BIRCHWOOD DR.
NEW WINDSOR, NY 12553

50-693/219

3826

4-25 1995

Pay TO THE ORDER OF Town of New Windsor

\$ 50⁰⁰ ~~xx~~

fifty and

00 ~~xx~~ dollars



Key Bank of New York
20-22 Fowler Street
Port Jervis, NY 12771
Port Jervis Office

319

Randy Davidson NP

Memo 95-16 ZBA

⑆021906934⑆ 190 11 881 1⑈ 3826

COLOURS

JEANNE DAVIDSON
RANDY DAVIDSON
61 BIRCHWOOD DR.
NEW WINDSOR, NY 12553

50-693/219

3827

4-25 1995

Pay TO THE ORDER OF Town of New Windsor

\$ 300⁰⁰ ~~xx~~

Three hundred and

00 ~~xx~~ dollars



Key Bank of New York
20-22 Fowler Street
Port Jervis, NY 12771
Port Jervis Office

319

Randy Davidson NP

Memo 95-16 ZBA

⑆021906934⑆ 190 11 881 1⑈ 3827

COLOURS

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Randy Davidson

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95-16.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On April 27, 1995, I compared the 78 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
27th day of April, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Rec'd. 5/8/95 Rgt
ZBA -

April 30, 1995

Re: Request for variance by Randy Davidson

By signing below we are stating we have no objections
whatsoever to erecting an addition at 62 Birchwood Drive
New Windsor, N.Y.

NAME Kent J. Cunn
ADDRESS 66 Birchwood Dr
NEW WINDSOR NY

NAME Joan Smith
ADDRESS 63 Birchwood Dr
New Windsor, N.Y.

NAME Ann Bates
ADDRESS 64 Birchwood Dr.
New Windsor, NY

NAME Delores Aquilino
ADDRESS 57 Birchwood Dr
New Windsor, NY

NAME Rae Mel Hedlund
ADDRESS 59 Birchwood Dr
New Windsor NY

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 25th day of April, nineteen hundred and ninety-five
BETWEEN

ROSE M. FLANAGAN, residing at 62 Birchwood Drive,
New Windsor, New York 12553,

party of the first part, and

(A.) ROSE M. FLANAGAN, residing at 62 Birchwood Drive, New Windsor,
New York 12553, as to an undivided one-half interest, AND

(B.) RANDY DAVIDSON AND JEANNE DAVIDSON, as tenants by the entirety,
residing at 62 Birchwood Drive, New Windsor, New York 12553, as to an undivided
one-half interest,

TOGETHER OWNING AS JOINT TENANTS, AS TO (A) AND (B) ABOVE,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN-----

-----(\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being ~~more~~ more particularly described on the attached SCHEDULE "A".

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, State of New York, and more particularly bounded and described as follows:

BEGINNING at a point on the northerly line of Birchwood Lane (now known as Birchwood Drive) distant the following two courses and distances from the intersection of said northerly line of Birchwood Lane with its intersection with the westerly line of Erie Avenue, viz:- (1) South 40° West 463 feet, (2) South 51° West 39 feet, and thus from said point of beginning (which is the southwesterly corner of lot conveyed by Schoonmaker Bros., Inc. to Bartel) running North 39° West 125 feet along Bartel's westerly line; thence South 51° West 100 feet; thence South 39° East 125 feet to the northerly line of Birchwood Lane; thence North 51° East along said northerly line of Birchwood Lane 100 feet to the point of beginning.

Known as No. 62 Birchwood Drive.

BEING the same premises described in that certain deed dated the 21st day of May, 1987 from WILLIAM J. FLANAGAN AND ROSE M. FLANAGAN to ROSE M. FLANAGAN which deed was recorded in the Orange County Clerk's Office on the 27th day of May, 1987 in Liber 2718 of Deeds at page 347.

SCHEDULE A

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Rose M. Flanagan
ROSE M. FLANAGAN

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

ROSE M. FLANAGAN

TO
ROSE M. FLANAGAN (50%) and
RANDY DAVIDSON AND JEANNE DAVIDSON,
as tenants by the entirety, (50%)

TOGETHER AS JOINT TENANTS

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-16.

Date: 4-25-95

I. ✓ Applicant Information:

co
OWNERS

- (a) RANDY DAVIDSON 62 BIRCHWOOD DR NEW WINDSOR NY
(Name, address and phone of Applicant) (Owner)
(b) ROSE FLANAGAN 62 BIRCHWOOD DR
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- () Use Variance () Sign Variance
(X) Area Variance () Interpretation

III. ✓ Property Information:

- (a) R-4 62 BIRCHWOOD DRIVE 25-1-7 100 X 100 ±
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? NONE
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 1962
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? NO
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

N/A.
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-92, Table of Use/Bulk Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>15 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE ADDITION IS PROPOSED FOR THIS SIDE ~~THE~~ BECAUSE IT WOULD
LOOK TERRIBLE ON THE OTHER SIDE & WOULD ~~DESTROY~~ RUIN THE
NICE LOOK OF THE NEIGHBORHOOD

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) *N/A*. Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) *N/A*. What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

((b)) Variance:: Granted (()) Denied (())

((c)) Restrictions or conditions::

NOTE:: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE..

((ZBA DISK#7-080991..AP))

Prelim:
Apr. 24, 1995.
#95-16

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 17, 1995

APPLICANT: RANDY DAVIDSON (owner)
62 BIRCHWOOD DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: APRIL 7, 1995

FOR (BUILDING PERMIT): ADDITION

LOCATED AT: 62 BIRCHWOOD DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 25, BLOCK: 1, LOT: 7
EXISTING ONE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. PROPOSED ADDITION DOES NOT MEET THE REQUIRED SIDE YARD
SETBACK.

Robert L. Schmeltz
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE: R-4 USE R-4 BULK TABLE F-10

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD 15FT. 5FT. 10FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises.....RANDY DAVIDSON.....

Address.....62 BIRCHWOOD DR.....Phone.....562-1828.....

Name of Architect

Address.....Phone.....

Name of Contractor

Address.....Phone.....

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the.....WEST.....side of.....BIRCHWOOD DRIVE.....
(N.S.E.or W.)
and.....APPRX 463.....feet from the intersection of.....ERIE AVE.....
2. Zone or use district in which premises are situated.....Is property a flood zone? Yes.....No.....
3. Tax Map description of property: Section.....25.....Block.....1.....Lot.....7.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition.....☒..... Alteration..... Repair.....
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?NO.....
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer — APPLICATION FOR BUILDING PERMIT

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

Pursuant to New York State Building Code and Town Ordinances

Date.....4-7.....1975...

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws or ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.

